

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

FILED

MAR - 4 2019

U.S. DISTRICT COURT-WVND  
CLARKSBURG, WV 26301

\_\_\_\_\_  
BIOGEN INTERNATIONAL GMBH  
and BIOGEN MA INC.,

Plaintiffs,

v.

\_\_\_\_\_  
MYLAN PHARMACEUTICALS INC.,

Defendant.  
\_\_\_\_\_

Civil Action No. 1:17-cv-116-IMK

**JOINT STIPULATION AND ORDER**  
**RESOLVING DISCOVERY DISPUTE**

WHEREAS, Defendant Mylan Pharmaceuticals Inc. (hereinafter “Defendant” or “Mylan”) served a Notice of Deposition on Dr. Rajendra Kumar Joshi, one of the inventors listed on U.S. Patent No. 7,619,001; and

WHEREAS Plaintiffs Biogen International GmbH and Biogen MA Inc. (collectively “Plaintiffs” or “Biogen”) have represented to Mylan that Dr. Joshi is in failing health and unable to sit for a deposition in this litigation;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Defendant, subject to the approval of the Court, that:

1. Biogen will not rely on or submit at trial, in support of any motion or any expert report, any testimony by Dr. Joshi, including any live testimony or recorded testimony in a transcript, declaration or affidavit ; and
2. Mylan will withdraw its notice of deposition to Dr. Joshi.

Respectfully submitted this 4th day of March 2019.

**BIOGEN INTERNATIONAL GMBH and  
BIOGEN MA INC.**

/s/ James F. Companion

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**MYLAN PHARMACEUTICALS INC.**

/s/ William J. O'Brien

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So Ordered this 4<sup>th</sup> day of March, 2019

  
IRENE M. KEELEY,  
United States District Judge